

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS (Worcester)**

<b>Anthony Campbell,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	
	)	<b>Case No. 04-40236 FDS</b>
	)	
<b>Isolation Technologies, Inc.</b>	)	
<b>Larry D'Amato</b>	)	
<b>Defendants</b>	)	

**MOTION TO DISMISS DEFENDANT, LARRY D'AMATO  
FOR FAILURE OF SERVICE**

Now comes the defendant, Isolations Technologies, Inc. ("Isolation"), and hereby states as follows:

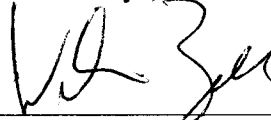
1. The co-defendant, Larry D'Amato, has not been employed by Isolation since June, 2003.
2. During a Scheduling Conference held on March 25, 2005, the Court advised the Plaintiff as to his responsibilities to properly make service.
3. Since the filing of this action in November, 2004, two pieces of certified mail from the Plaintiff have been received at Isolation's place of business, addressed to "Mr. Larry D'Amato, Operations Manager, Isolations Technologies, 4 Business Way, Hopedale, MA, 01747". An envelope in or about late March, 2005, contained a copy of the Summons and Complaint, with the Summons addressing the defendant "Isolations Technologies". Another envelope was returned to the Plaintiff unopened in early May, 2005.
4. By letter dated May 6, 2005, the undersigned confirmed to the Plaintiff that Mr. D'Amato was not employed by Isolation.
5. As of this date, it appears from the docket in this matter that Mr. D'Amato has not been properly served with the Summons or Complaint. Pursuant to Fed.R.Civ.P.,

Rule 4(m), said service was to have been accomplished not later than on or about March 12, 2005 (120 days from filing).

6. Mr. D'Amato has not been served nor has he appeared in this matter. This Motion, being filed upon instruction of the Court to provide a brief outline of occurrences to date, is not intended to constitute such an appearance or representation of Mr. D'Amato by the undersigned.

WHEREFORE, Isolation respectfully states that, pursuant to Fed.R.Civ.P. Rule 4(m), the defendant, Larry D'Amato, should be dismissed from this action, whether on the Court's initiative or this motion.

Respectfully submitted  
Isolation Technologies, Inc.  
By its attorneys,



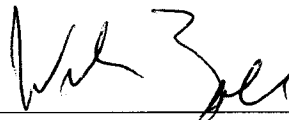
William M. Zall, Esq. BBO # 554135  
Cunningham, Machanic, Cetlin,  
Johnson & Harney, LLP  
220 North Main Street  
Natick, MA 01760  
TEL: (508) 651-7524; FAX: (508) 653-0119

Dated: 8/30/05

#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was served upon the Plaintiff, Anthony Campbell, appearing pro se by first class, postage pre-paid, by mailing same August 30, 2005, to:

Anthony Campbell P.O. Box 3469 Worcester, MA 01613	Anthony Campbell 267 Mill Street, Apt. # 302 Worcester, MA 01602
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William M. Zall